

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 EVAN EUGENE MOORE,

Case No. 2:19-cv-01425-JAD-EJY

4 Plaintiff

ORDER

5 v.

6 JERRY HOWELL, et al.,

7 Defendant

8 **I. DISCUSSION**

9 On August 16, 2019, Plaintiff, an inmate in the custody of the Nevada Department of
10 Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an
11 application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1).

12 Plaintiff’s application to proceed *in forma pauperis* is incomplete. Under 28 U.S.C. §
13 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma*
14 *pauperis* and attach both an inmate account statement for the past six months and a properly executed
15 financial certificate. Plaintiff has not submitted an inmate account statement for the past six months.
16 (See ECF No. 1). The Court will retain Plaintiff’s civil rights complaint (ECF No. 1-1), but will not
17 file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an
18 opportunity to cure the deficiencies of his application to proceed *in forma pauperis* by filing an
19 inmate account statement, or in the alternative, pay the full filing fee for this action. If Plaintiff fails
20 to file an inmate account statement, the Court will dismiss the case in its entirety, without prejudice,
21 to file a new case when Plaintiff is able to acquire the necessary documents to file a complete
22 application to proceed *in forma pauperis*.

23 **II. CONCLUSION**

24 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND Plaintiff
25 the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
26 entitled information and instructions for filing an *in forma pauperis* application.
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1 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
2 Plaintiff will either: (1) file an inmate account statement in compliance with 28 U.S.C. § 1915(a); or
3 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
4 administrative fee).

5 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file an inmate account statement,
6 the Court will dismiss the case, without prejudice, for Plaintiff to file a new case when he is able to
7 acquire the necessary documents to file a complete application to proceed *in forma pauperis*.
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9 DATED this 21st day of August, 2019.
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12 ELAYNA J. YOUCHAK
13 UNITED STATES MAGISTRATE JUDGE
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